IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.337 OF 2005
IN
EXECUTION APPLICATION NO.401 OF 2003
IN
CASE NO.CC-II/120 OF 1999

Ashok J. Ruparelia ....Applicant
V/s.
The Bharat Nagar Co-op.Hsg. Soc.Ltd. ....Respondent

Mr.Ashok J. Ruparelia Applicant present.
Mr.Sarang i/b Mr.R.V. Govilkar for the Applicant.
Mr.Tejas Vora i/b Dahibawkar & Co. for the Plaintiff.

CORAM : S.J. VAZIFDAR, J.
DATED : 2ND FEBRUARY, 2006.

P.C. :

1. The Chamber Summons is disposed of with the following order :-

i). The Applicant, who is present in Court, agrees and undertakes through his counsel to pay a sum of Rs.50,000/- on or before 1.3.2006, a sum of Rs.70,000/- on or before 3.4.2006 and a sum of Rs.50,000/- each on or before third day of May, June, July and August, 2006 aggregating to a sum of Rs.3,20,000/-.

ii). The Applicant further undertakes not to make any application for extension.

iii). In the event of any default being committed by the Applicant, the Chamber Summons shall stand dismissed without further reference to the Court.

iv). The Applicant further undertakes to pay the outgoings which arise in future promptly.

v). Needless to add that this order is without prejudice to the rights of the Society to recover the other dues from the Applicant.

vi). The aforesaid payments shall be made by cheque and/or demand draft directly to the Respondent - Society.

2. Liberty to the Applicant to apply to give out the flat on leave and licence basis after obtaining the leave of the Court.

3 The attachment shall continue till the entire amount of Rs.3,20,000/- is paid as aforesaid. Further proceedings in execution however are stayed till the Applicant continues to pay and pays the said amounts as aforesaid.

4. Both the learned counsel have requested me not to give reasons for this order.